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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SPENCER NEAMAN and JACQUELINE
NEAMAN, individually and as parents and
natural guardians acting for and in behalf of
FAWN NEAMAN, a minor child,

Plaintiffs,

v.

UNITED STATES OF AMERICA, *ex rel*
UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
DOE I; DOE II; AND DOES III through X,

Defendants.

Case No. 2:14-cv-01307-JCM-NJK

ORDER GRANTING

MOTION TO EXTEND DISCOVERY DEADLINE
(Second Request)

Pursuant to Local Rule 26-4, and this Court's August 11, 2015 scheduling order, the United States of America respectfully requests that this court extend the discovery deadline for sixty (60) days for the reasons and as requested herein. Federal Defendant notes the Court's previous extension (ECF #32) and comments thereto, and asserts that this extension is necessary to allow the parties to

1 complete necessary discovery prior to the expert and summary judgment phases of this case. The
2 parties have been diligently engaged in discovery throughout the extended period thus far, however,
3 for the reasons set forth below, good cause exists to extend the discovery deadline.

4 **1. Status Report.** This request is made more than twenty one (21) days prior to the
5 current discovery deadline, which is March 31, 2016. There is good cause to grant the extension
6 based on the discovery needs herein, and the pending change in Government counsel assigned to this
7 case. Undersigned Government counsel will be leaving this office at the end of November 2015, and
8 beginning next week, will be in the process of transferring responsibility for this case, as well as all
9 other assigned cases, to a new Assistant United States Attorney. Given the depth and breadth of this
10 matter, it will take time for the new Government counsel to become familiar with the case and
11 continue with the discovery that is ongoing.

12 **2. Status/Discovery Completed.** The parties held an initial discovery conference
13 pursuant to Fed. R. Civ. P. 26(f). Initial disclosures and supplemental disclosures have been made by
14 the parties pursuant to Fed. R. Civ. P. 26(a)(1)(C). Additional written discovery has been exchanged.
15 The deposition of Federal Defendant's physician's assistant, whose treatment of the Plaintiff is a
16 primary issue in this matter, has already occurred. Three additional fact witness depositions have
17 taken place, including the depositions of two of Plaintiff's treating physicians.

18 **3. Discovery Remaining.** The deposition of an additional treating physician is
19 currently scheduled for November 20, 2015, and the depositions of at least two more treating
20 physicians remain to be scheduled. Additionally, the depositions of Plaintiff's parents are likely to be
21 scheduled in the month of December. It is important to the parties to be able to conduct these
22 additional depositions prior to the disclosure of expert reports.

23 **4. Additional Reasons for Extension.** The difficulty in scheduling and completing the
24 deposition of the additional key witnesses listed above, combined with Government counsel's
25 transition of this case, as well as all others, to a new Assistant United States Attorney within the next
26 couple of weeks, necessitates the need for an additional extension.

1 **5. Revised Discovery Schedule.** Federal Defendant proposes the following revised
2 discovery plan and asks that the Court adopt it as the revised scheduling order in this case.

3 **A. Initial Disclosure of Expert Witnesses:** January 27, 2016.

4 **B. Rebuttal Experts:** March 31, 2016.

5 **C. Interim Status Report:** March 31, 2016

6 **D. Discovery Cut-Off Date:** May 31, 2016.

7 **E. Dispositive Motions.** The deadline for filing dispositive motions shall be
8 thirty (30) days after the close of discovery: June 29, 2016.

9 **F. Pretrial Order.** The Joint Pretrial Order referenced in LR 26-1(e)(5) shall be
10 filed no later than thirty (30) days after the date set for filing dispositive motions: July 28, 2016.

11 However, in the event that dispositive motions are filed, the date for filing a Joint Pretrial Order shall
12 be suspended until thirty (30) days after a decision is rendered by the Court regarding the dispositive
13 motions, or upon further order of the Court.

14 WHEREFORE, for the above reasons, Federal Defendant respectfully requests the instant
15 Motion extending the discovery deadline for sixty (60) days, until May 31, 2016, be granted.

16 Respectfully submitted this 12th day of November 2015.

17 DANIEL G. BOGDEN
18 United States Attorney

19 /s/Justin Pingel
20 JUSTIN E. PINGEL
 Assistant United States Attorney

21 In light of Plaintiffs' non-opposition, Docket No. 45, and for good cause
22 shown, this motion is GRANTED.

23 IT IS SO ORDERED:

24 
25 ~~UNITED STATES DISTRICT JUDGE~~
 UNITED STATES MAGISTRATE JUDGE

26 DATED: November 13, 2015